

Message Text

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PAGE 01 NEW DE 10310 010856Z

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ACTION EB-07

INFO OCT-01 NEA-10 ISO-00 L-03 LOC-01 COME-00 CU-02 IO-10

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R 311255Z JUL 75

FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC 318

LIMITED OFFICIAL USE NEW DELHI 10310

EO 11652: NA

TAGS: EIND, IN

SUBJ: COPYRIGHT - INDIAN RATIFICATION OF 1971 TEXT OF UCC

REF: STATE 177513

1. WE DISCUSSED INFORMALLY WITH TWO OFFICIALS OF THE MINISTRY OF EDUCATION WHETHER THE GOI PROPOSES TO ADHERE TO THE 1971 TEXT OF THE UNIVERSAL COPYRIGHT CONVENTION (UCC). THE MOE OFFICIALS POINTED OUT THAT THE INSTRUMENT OF RATIFICATION REGARDING THE PARIS ACT (1971) OF THE BERNE COPYRIGHT CONVENTION (BCC), DEPOSITED BY INDIA ON OCTOBER 7, 1974 WITH THE WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO) WAS CONDITIONAL, IN THAT INDIA ACCORDED RATIFICATION TO ONLY THE ADMINISTRATIVE PROVISIONS OF THE CONVENTION.

THE INSTRUMENT OF RATIFICATION READS BEGIN QUOTE THE RATIFICATION SHALL NOT APPLY TO ARTICLES 1 TO 21 AND THE APPENDIX UNQUOTE.

2. MOE OFFICIALS SAID THAT THE QUESTION OF ACCORDING SIMILAR RATIFICATION TO THE 1971 TEXT OF THE UCC (PARA 3 OF REFTL) DIDNOT ARISE AS THE UCC DID NOT HAVE ADMINISTRATIVE PROVISION SIMILAR TO THOSE EMBODIED IN THE PARIS ACT OF THE BCC. FOR THE OFFICIAL STATEMENT OF INDIA'S DECLARATION OF RATIFICATION OF THE BCC AND THE CONDITIONS OF THAT RATIFICATION, THE DEPARTMENT MAY WISH TO REFER TOBERNE NOTIFICATION NO.59 OF OCTOBER 10, 1974, A COPY OF WHICH SHOULD BE AVAILABLE IN THE US COPY-RIGHT OFFICE.

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3. MOE OFFICIALS STATED THE INDIAN DELEGATION TO THE WIPO

MEETING

IN SEPTEMBER 1974 HAD INDICATED THAT THE GOI HAD MADE A FIRM POLICY DECISION TO ALSO ACCORD FORMAL RATIFICATION TO THE SUBSTANTIVE PROVISIONS OF THE BCC IN DUE COURSE. ACTION IN THIS REGARD, HOWEVER, IS BEING HELD UP BECAUSE OF THE PRESENT STATE OF EMERGENCY. NEITHER OFFICIAL COULD PROVIDE ANY INDICATION OF WHEN THE GOI INTENDS TO PROCEED WITH THE RATIFICATION.

4. IN ANSWER TO OUR QUERIES ABOUT POSSIBLE RATIFICATION OF THE UCC, BOTH OFFICIALS WERE EVASIVE IN THEIR REPLIES AND SAID THAT NO SERIOUS THOUGHT HAS BEEN GIVEN TO THIS MATTER BY THE GOI AND THE MINISTRY OF EDUCATION TO DATE. OVEY EXPRESSED THE THOUGHT THAT INDIA WILL FIRST RATIFY THE SUBSTANTIVE PROVISIONS OF THE BCC AND ONLY LATER TAKE UP THE QUESTION OF RATIFYING THE UCC. THEY, HOWEVER, INDICATED THAT PRESENT THINKING WITHIN GOI WAS TO MAINTAIN THE CURRENT STATUS QUO FOR SOME MORE TIME AND TO EXERCISE THE VARIOUS OPTIONS OPEN ONLY AFTER A FULL ASSESSMENT HAS BEEN MADE OF THE LONG-TERM ADVANTAGES AND DISADVANTAGES TO INDIA OF ADHERENCE TO THE TWO CONVENTIONS.

5. NO RECENT CHANGES HAVE BEEN MADE IN THE EXISTING INDIAN COPYRIGHT LAW TO REFLECT THE CONDITIONAL INDIAN ADHERENCE TO THE 1971 TEXT OF THE BERNE CONVENTION.
SAXBE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TREATY RATIFICATION, TREATY COMPLIANCE, COPYRIGHTS
Control Number: n/a
Copy: SINGLE
Draft Date: 31 JUL 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: CunninFX
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975NEWDE10310
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750265-1078
From: NEW DELHI
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t1975074/aaaaadgh.tel
Line Count: 87
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 STATE 177513
Review Action: RELEASED, APPROVED
Review Authority: CunninFX
Review Comment: n/a
Review Content Flags:
Review Date: 21 MAY 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <21 MAY 2003 by ShawDG>; APPROVED <03 OCT 2003 by CunninFX>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: COPYRIGHT - INDIAN RATIFICATION OF 1971 TEXT OF UCC
TAGS: EIND, IN
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006